

### **Remarks**

No claims have been amended, cancelled, or added herein. Claims 40-60 are pending.

Reconsideration and withdrawal of the rejections of the claims and objections to the specification, in view of the remarks and amendments herein, is respectfully requested.

### **Sequence Listing**

This Amendment and Response and the above-referenced substitute SEQUENCE LISTING are being filed to conform the above-referenced application to the requirements of 37 CFR §§ 1.821-1.825. In accordance with 37 CFR § 1.821(e), a copy of the above-submitted substitute SEQUENCE LISTING in ASCII computer readable form is submitted on even date herewith to the U.S. Patent and Trademark Office, Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. It is respectfully submitted that the contents of the paper version of the substitute SEQUENCE LISTING and the computer readable form being submitted to Mail Stop Sequence are the same. It is further submitted that the paper copy of the substitute SEQUENCE LISTING and the computer readable form of the substitute SEQUENCE LISTING do not represent new matter.

### **Drawings**

Applicant would like to note that the Brief Description of Figures 2C and 11 was amended to refer to sequence identifier numbers in the Preliminary Amendment filed June 10, 2002 (a copy of which, along with the return stamped postcard, is enclosed herewith). However, the Brief Description of Figures 2C-E is amended to include additional sequence identifier numbers. Thus, Applicant believes that the Examiner's comment at page 2 of the Office Action has been fully addressed.

Substitute drawings are enclosed herewith rendering the objections thereto moot.

*Double Patenting Rejections*

The Examiner rejected claims 40-42, 44-48, and 50-60 under the judicially created doctrine of obviousness-type double patenting over claims 1-15 of U.S. Patent No. 6,436,392. The Examiner also rejected claims 43 and 49 under the judicially created doctrine of obviousness-type double patenting over claims 1 and 7-9 of U.S. Patent No. 6,436,392 in view of Natsoulis et al. (U.S. Patent No. 5,843,742).

A terminal disclaimer is attached hereto. Accordingly, withdrawal of the obviousness-type double patenting rejections is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JOHN F. ENGELHARDT ET AL.

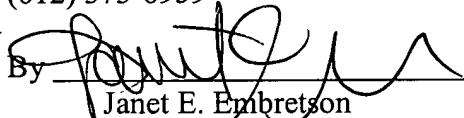
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

Date

September 16, 2004

By



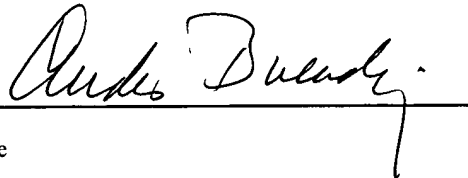
Janet E. Embretson  
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of September, 2004.

CANDIS BUENDING

Name

Signature



Serial No. 10/054,665

Filed: 01/22/2003

Title: ADENO-ASSOCIATED VIRUS VECTORS

---

**In the Drawings**

A complete set of substitute drawings (Figs 1A through 19B – 42 sheets) is filed herewith.